APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/945,450	08/31/2001	Stephan Brunner	OIC0231US	3552

60975   7590   02/28/2007
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EXAMINER
DUNHAM, JASON B

ART UNIT	PAPER NUMBER
3625	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/28/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<table>
<tr>
<td rowspan="3"><i>Office Action Summary</i></td>
<td>Application No.
09/945,450</td>
<td>Applicant(s)
BRUNNER ET AL.</td>
<td></td>
</tr>
<tr>
<td>Examiner
Jason B. Dunham</td>
<td>Art Unit
3625</td>
<td></td>
</tr>
</table>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 November 2006*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *95-104 and 113-117* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *95-104 and 113-117* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

November 13, 2006 has been entered. Claims 95,99, and 114 have been amended.

Claims 95-104 and 113-117 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 95-98, 104, and 114-117 are rejected under 35 U.S.C. 103(a) as being

anticipated by Lee (U.S. Patent Application Publication No. 2005/0102199) in view

of Klencke (U.S. Patent No. 5,867,709).

Referring to claim 95. The combination of Lee and Klencke discloses an

apparatus composed of logic blocks to customize a product comprising:

- A logic block to create a customizable product, the customizable product including a set of one or more attributes to define the customizable product (Lee: abstract);

- A logic block to assign the customizable product to a customizable product class, wherein the customizable product class is a parent class of a hierarchy defining a configurator, and the configurator is configured to reference the hierarchy to permit a user to configure a customizable product for purchase (Klencke: abstract);

- A logic block to add a component product class to the customizable product class, wherein the component product class is a subclass of the customizable product class, and the component product class comprises one or more component products selectable for adding to the customizable product (Klencke: column 4, lines 55 – column 5, line 2);

- A logic block to add a customizable class rule to the customizable product class, the customizable class rule including expressions which define constraints on the one or more component products selectable for adding to the customizable product (Lee: paragraph 64);

- A logic block to map a customizable user interface to the customizable product class, the customizable user interface to provide access structure to the configurator (Lee: paragraph 9).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have modified the apparatus of Lee to have included a logic

block to assign the customizable product to a customizable product class and to add a component product class to the customizable product class, as taught by Klencke, in order to follow a parent-child relationship while configuring the product (Klencke: abstract).

Referring to claims 96-97. The combination of Lee and Klencke further discloses an apparatus wherein the component product class includes component product subclasses (Klencke: column 4, lines 55 – column 5, line 2) and inherits the attributes of the customizable product class (Klencke: abstract).

Referring to claim 98. The combination of Lee and Klencke further discloses an apparatus comprising a logic block to add one or more component product classes to a port (Klencke: figure 3 & column 5, lines 64 – column 6, lines 24); and a logic block to add the port to the customizable product class, the port to allow the configurator to classify a group of component products (Klencke: figure 3 & column 5, lines 64 – column 6, lines 24). The examiner notes that applicant defines a port as a component product and Klencke discloses classes containing product customizations.

Referring to claim 104. The combination of Lee and Klencke further discloses an apparatus wherein the class rule is a subclass of the customizable product class (Klencke: column 4, lines 55 – column 5, line 2).

Referring to claim 114. The combination of Lee and Klencke further discloses an apparatus wherein the component product class, customizable class rules, and customizable user interface are object-oriented classes (Klencke: abstract).

Referring to claim 115. The combination of Lee and Klencke further discloses an

apparatus wherein the customizable product comprises an object-oriented structure

(Klencke: abstract).

Referring to claim 116. The combination of Lee and Klencke further discloses an

apparatus wherein the customizable product includes versioning (Klencke: column 3,

lines 3-36).

Referring to claim 117. The combination of Lee and Klencke further discloses an

apparatus wherein the configurator is stored in a data store (Lee: paragraph 31).

Claims 99-103 and 113 are rejected under 35 U.S.C. 103(a) as being

unpatentable over the combination of Lee and Klencke in view of Iborra (U.S.

Patent Application Publication No. 2002/0062475).

Referring to claims 99-101. The combination of Lee and Klencke discloses all of

the above as noted under the 102(b) rejection, but does not expressly disclose a

cardinality attribute to constrain the number of component products to be added to the

configurator. Iborra discloses an apparatus including a default, minimum, and

maximum cardinality to constrain the number of component products, associated with

the port, selectable by the configurator (Iborra: paragraph 104). It would have been

obvious to one of ordinary skill in the art at the time of applicant's invention to have

modified the apparatus of Lee/Klencke to have included a cardinality attribute to

constrain the number of component products to be added to the configurator, as taught

by Iborra, to limit the amount of configurations available (Iborra: paragraph 104).

Referring to claims 102-103. The combination of Lee and Klencke discloses all of the above as noted under the 102(b) rejection, but does not expressly disclose an apparatus wherein the class rules include a collection of expressions including a property path, constant, operator, or a natural language syntax. Iborra discloses an apparatus wherein the class rules include a collection of expressions including a property path, constant, operator, and a natural language syntax (Iborra: paragraphs 59 & 94, figure 11A). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have modified the apparatus of Lee/Klencke to have included class rules that include a collection of expressions including a property path, constant, operator, and a natural language syntax, as taught by Iborra, in order to define the attributes of the class (Iborra: paragraph 59).

Referring to claims 113. The combination of Lee and Klencke discloses all of the above as noted under the 102(b) rejection, but does not expressly disclose an apparatus wherein the component product class includes a static attribute not associated with a parent class. Iborra discloses an apparatus wherein the component product class includes a static attribute not associated with a parent class (Iborra: paragraph 94). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have modified the apparatus of Lee/Klencke to have included a component product class that includes a static attribute not associated with a parent class, as taught by Iborra, in order to define the attributes of the class (Iborra: paragraph 59).

Response to Arguments

Applicant's arguments with respect to claim 95 have been considered but are moot in view of the new ground(s) of rejection.

Regarding the second logic block, applicant argues that Klencke does not disclose a configurator configured to reference the hierarchy to permit a user to configure a customizable product for purchase. The examiner disagrees. The abstract and column 1, lines 11-12 of Klencke disclose:

- "The system described herein also facilitates the process of customizing the software product."

- "For each class within the software product, the system described herein provides a corresponding empty class that is customizable. As such, the system described herein provides a class hierarchy for a software product that is divided into pairs of classes."

- "Customers who purchase software products sometimes customize the software products to suit their needs."

Applicant further argues that because the software product of Klencke itself contains an object hierarchy that it does not disclose the second logic block limitation. The examiner disagrees noting that the present application is directed towards configuring components of a product (such as computers), which is not distinct from configuring classes for customizable, purchased software.

Regarding the third logic block, applicant argues that Klencke does not disclose adding a component product class to the customizable product class because the

product of Klencke could not be assigned to a class (limitation of second logic block).

The examiner disagrees by noting that the abstract of Klencke discloses starting with a

parent class (the customizable software product) and creating child classes to contain

various configurations or components.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jason B. Dunham whose telephone number is 571-272-

8109. The examiner can normally be reached on M-F, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jeff Smith can be reached on 571-272-6763. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JBD
Patent Examiner
2/2/07
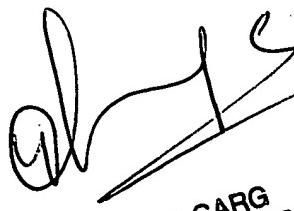
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